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111. *Lipton*
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10 March 1982

MEMORANDUM FOR: See Distribution

FROM:

[redacted]
Chief, Legislation Division, OGC

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SUBJECT: Fiscal Year 1983 Intelligence
Authorization Bill

The Office of Management and Budget cleared the draft Fiscal Year 1983 Intelligence Authorization Bill for transmittal to the Congress on 9 March 1982 and the draft Bill was sent to the Speaker of the House and the President of the Senate on that date. Attached for your information is a copy of the draft Bill as transmitted.

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Attachment

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INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983

SECTIONAL ANALYSIS
AND
EXPLANATION

TITLE I

INTELLIGENCE ACTIVITIES

Section 101 lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1983.

Section 102 makes clear that details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and personnel ceilings covered under this title for fiscal year 1983 are contained in a classified Schedule of Authorizations. The Schedule of Authorizations is incorporated into the Act by this section.

Section 103 requires that no funds may be appropriated or otherwise made available through transfer, reprogramming, etc., unless specifically authorized or accompanied by notification. It is understood that specifically authorized intelligence activities are those activities described in annual budget justification material as modified by the Congress. The notification requirement is not intended to apply to reprogrammings below agreed-to dollar thresholds, releases from authorized contingency funds, or to Economy Act transactions for specific activities otherwise authorized by law. Notification required under this provision is normally expected to be made at least fifteen days prior to completion of the funding transaction, but it is recognized that circumstances may occasionally require later notification.

Should questions arise as to the relationship between section 103 and section 501 of the National Security Act of 1947, it is expected that resolution will be guided by the principles of comity and mutual understanding set forth in the legislative history accompanying the statutory intelligence oversight provisions enacted in 1980.

Section 104 makes clear that, with the exception of any specific legislative authorities which may be contained in the Intelligence Authorization Act for Fiscal Year 1983, the Act is intended only to authorize appropriations and does not constitute authority for the conduct of any intelligence activity prohibited by the Constitution or laws of the United States.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Subsection 201(a) provides that personnel of the Intelligence Community Staff may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection 201(b) requires that detailed employees be selected so as to provide appropriate representation from the various departments and agencies engaged in intelligence and intelligence-related activities.

Subsection 201(c) requires that personnel be detailed on a reimbursable basis except for temporary situations.

Section 202 provides that the Director of Central Intelligence shall utilize existing statutory authority to manage the activities and to pay the personnel of the Intelligence Community Staff. This language reaffirms the statutory authority of the Director of Central Intelligence and clarifies the legal status of the Intelligence Community Staff. In the case of detailed personnel it is understood that the authority of the Director of Central Intelligence to discharge personnel extends only to discharge from service at the Intelligence Community Staff and not from federal employment or military service.

TITLE III

CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Section 301 authorizes fiscal year 1983 appropriations
for the Central Intelligence Agency Retirement and Disability
Fund.

TITLE IV

TECHNICAL PROVISIONS

Section 401 provides authority for adjustments to federal employee compensation and benefits during fiscal year 1983 which are increased by current or subsequently enacted law. The section obviates the necessity for separate authorizations for such increases during the fiscal year.

Section 402 brings the intelligence and intelligence-related activities authorization of appropriations process into technical compliance with section 607 of P.L. 93-344, the Congressional Budget and Impoundment Control Act of 1974, which requires that appropriations be authorized in the calendar year prior to the year in which the fiscal year begins.

Section 403 restores Central Intelligence Agency automatic data processing equipment and services procurement authority which was constrained by enactment of section 111 of the Federal Property and Administrative Services Act (FPASA) of 1949, as amended (40 U.S.C. 759), granting certain government-wide authorities to the Administrator of General Services and the Secretary of Commerce. In 1981, Congress enacted in the Fiscal Year 1982 Department of Defense Authorization Act a provision, similar to this section, which excludes all Department of Defense automatic data processing equipment and services procurement for DoD intelligence activities from the scope of section 111 of the FPASA. This congressional recognition of the need for automatic data processing flexibility in support of intelligence activities would properly be extended to automatic data processing support for the intelligence activities of the Central Intelligence Agency by enactment of this section.

TITLE V

DEFENSE INTELLIGENCE AGENCY
PROVISIONS

Section 501 extends to the Defense Intelligence Agency name, initials, and seal the same protection against misuse which has been afforded to the Central Intelligence Agency and National Security Agency names, initials, and seals (see sections 503 and 603 of P.L. 97-89, the Fiscal Year 1982 Intelligence Authorization Act).

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983

CHANGES IN EXISTING LAW

Note: Where applicable, changes in existing law are shown as follows: existing law in which no change is proposed is shown in roman; existing law proposed to be struck is enclosed in brackets; new material is underscored.

TITLE I
INTELLIGENCE ACTIVITIES

Section 101: No substantive change.

Section 102: No substantive change.

Section 103: No substantive change.

Section 104: No substantive change from
section 805 of the fiscal year 1982 Act.

TITLE II
INTELLIGENCE COMMUNITY STAFF

Subsection 201(a): No substantive change.

Subsection 201(b): No substantive change.

Subsection 201(c): No substantive change.

Section 202: No substantive change.

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TITLE IV
TECHNICAL PROVISIONS

Section 401: No substantive change (section 804 of the fiscal year 1982 Act).

Section 402: New provision.

Section 403: New provision.

TITLE V

DEFENSE INTELLIGENCE AGENCY
PROVISIONS

Section 501: New provision.

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983
COST ANALYSIS

TITLE I
INTELLIGENCE ACTIVITIES

Section 101: Fiscal Year 1983 authorizations are contained in the classified Schedule of Authorizations.

Section 102: Cost analysis not applicable.

Section 103: Cost analysis not applicable.

Section 104: Cost analysis not applicable.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Subsection 201(a): Cost analysis not applicable.

Subsection 201(b): Cost analysis not applicable.

Subsection 201(c): Cost analysis not applicable.

Section 202: Cost analysis not applicable.

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TITLE IV
TECHNICAL PROVISIONS

Section 401: Cost analysis impossible to determine.

Section 402: Technical compliance with section
607 of P.L. 93-344 only; cost analysis not applicable.

Section 403: Some cost savings through more effective
and efficient procurement can be expected.

TITLE V

DEFENSE INTELLIGENCE AGENCY
PROVISIONS

Section 501: No programmed expenditures contemplated.